



PATENT  
ATTORNEY DOCKET NO. 041514-5211

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
)  
Hiroaki KITAHARA *et al.* ) Confirmation No.: 4661  
)  
Application No.: 10/043,260 ) Group Art Unit: 2877  
)  
Filed: January 14, 2002 ) Examiner: Turner, Samuel A.  
)  
For: LASER-BASED MEASURING APPARATUS ) **Mail Stop Amendment**  
FOR MEASURING AN AMOUNT OF )  
TRAVEL OF AN OBJECT AND METHOD FOR )  
MEASURING THE SAME UTILIZING )  
OPPOSING INCIDENT MEASURING LIGHT )  
BEAMS (As Amended) )

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
**Customer Window, Mail Stop Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated April 26, 2004.
2. Additional papers enclosed:
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☒ Submission of Replacement Drawing Sheets (with ten (10) replacement sheets of drawings containing ten (10) figures attached)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	8	minus	20	0	x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))	2	minus	3	0	x \$86 each=	+ \$
[ ] First presentation of Multiple dependent claim(s)					\$290.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$ 0

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ The Commissioner is hereby authorized to charge \_\_\_\_\_ to Deposit Account No. 50-0310 for the one-month extension of time fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: July 22, 2004

By:



Paul A. Fournier

Reg. No. 41,023

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
 1111 Pennsylvania Avenue, N.W.  
 Washington, D.C. 20004  
 Telephone: 202-739-3000  
 Facsimile: (202) 739-3001

RFW



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Arlington, VA 22202

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**AMENDMENT**

In response to the Office Action dated April 26, 2004, the period for response to which extends through July 26, 2004, please amend the above-identified application as follows:

**IN THE TITLE:**

Please amend the Title as follows:

LASER-BASED MEASURING APPARATUS FOR MEASURING AN AMOUNT OF  
TRAVEL OF AN OBJECT AND METHOD FOR MEASURING THE SAME UTILIZING  
OPPOSING INCIDENT MEASURING LIGHT BEAMS

**IN THE DRAWINGS:**

Attached is a Submission of Replacement Drawing Sheets including a change to Figs. 1 and 2. These Replacement Drawing Sheets, which include all of the Figs. 1-10 in this application, replace the previously-filed drawing sheets. In these Replacement Drawing Sheets, Figs. 1 and 2 have been amended to include the legend "PRIOR ART" in response to the objection to the drawings in the Office Action.